

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 3652 of 2004

Between:

C.Lakshmanacharyulu, S/o. C.Sударasanacharyulu,
R/o.B.K.Samudram Village & Mandal, Anantapur District.

..... PETITIONER

AND

- 1 The Commissioner of Endowment, Hyderabad.
- 2 The Deputy Commissioner of Endowment, Kurnool, Kurnool District.
- 3 The Assistant Commissioner of Endowment, Anantapur, Anantapur District.
- 4 C.Vijaya Bhaskar, S/o. Seshacharyulu,
R/o.B.K.Samudram Village & Mandal, Anantapur District.
- 5 C.Vidyam Venkatacharyulu, Archaka, Venkata Ramanaswamy
Temple, Korrapadu Village, Anantapur Mandal, Anantapur Dt

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus, to declare the action of the third respondent in passing the oral order to the petitioner to handover the Archaka charges to the fourth or fifth respondent on 29-2-2004 is, illegal, arbitrary and violative of the Statutory Provisions and Article 21 of the Constitution of India.

Counsel for the Petitioner:MR.KUMMATHI VENKATESULU

Counsel for the Respondent Nos.1 to 3: GP FOR ENDOWMENTS

Counsel for the Respondents 4 and 5 : None appeared

The Court made the following ORDER:

Heard both the learned counsel and at their request, the writ petition itself is taken up for disposal.

Petitioner, who claims to be of Archaka of the Institution, filed this writ petitioner, inter alia, seeking direction against third respondent not to interfere with his services in the temple, challenging his action in seeking him to handover charge of Archakatvam to fifth respondent as illegal and arbitrary.

The case of the petitioner is that he himself is rendering services as Archaka in the temple from quite a long time and therefore, he is entitled to be continued as such, whereas respondents 4 and 5 are interested and they being employees, are sending their deputies for performing pujas and therefore, they are not entitled to be appointed as Archakas.

In the counter-affidavit, it is stated that as per the proceedings of the Joint Commissioner dated 6-6-1972, all the parties have agreed for rendering service once in a year and the same is also specified, to which the petitioner is a signatory. Having agreed to the terms mentioned in the said proceedings of the Joint Commissioner, now the petitioner cannot stop the others from performing Pujas, who are entitled for subsequent years.

Having heard the submissions made on either side and on perusal of the material on record, it is seen that serious disputed questions are sought to be raised by both sides. On behalf of the petitioner, it is stated that the agreement sought to be relied upon and which has been accepted, is not a valid one since the signature obtained therein was on a blank paper and the same has been used for the purpose of the said agreement. In view of such disputed questions, it is not open for this Court to go into the same. The petitioner has got alternative remedy for necessary declaration and to establish his rights.

Accordingly, this writ petition is dismissed. No costs.

12—08—2004.

Stv/-

Note: Issue C.C. in one week.

(B.O.)

C.M.

To

- 1 The Commissioner of Endowments, Hyderabad.
- 2 The Deputy Commissioner of Endowment, Kurnool, Kurnool District.
- 3 The Assistant Commissioner of Endowment, Anantapur, Anantapur District.
- 4 Two CCs to the Government Pleader for Endowments, A.P.High Court Buildings, Hyderabad.
- 5 Two CD copies.

